IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 672 OF 2006

IN

STAMP NUMBER MAIN NO. 2254 OF 2006

MR. AUREO QUADROS(SIN.DEC.) THROUGH LEGAL HEIRS., ...Applicants

Versus

SHRI THOMAS PEREIRA AND 4 ORS., ...Respondents

Mr. Zeller De Souza, Advocate for the applicants.

Mr. V. P. Thali, Advocate for respondents No. 1 & 2.

Coram:- P.V. KAKADE, J.

Date:- 20th November, 2006

P.C.

Heard both sides. This is an application for condonation of delay of 440 days in preferring the second appeal.

On perusal of the contents of the application, it is apparent that the ground mentioned for delay is to the effect that the appliant No.1(a) was indeed having a certified copy of the order of the lower Court. However, according to him, he did not realise that it was a certified copy and that it was a photostat copy. This ground by all stretch of imaginations cannot be a sufficient ground to condone the delay of 440 days. This is especially so when the reply affidavit filed on behalf of the respondent is sufficient to show that there was absolutely no ground to harbour any such misapprehension in the mind of the applicant No.1 and, in fact, as per pagras 11, 12 and 13 of the reply affidvit, supported by the document to show that the applicant was very well aware of the orders

passed and had participated in the proceeding. It may also be pointed out that the Advocate appearing for the applicant was the same throughout and, therefore, there was no question of ignorance on that count also.

Be that as it may, no sufficient ground is made out by the applicant and, as such, the application for condonation of delay stands dismissed with no order as to costs.

P.V. KAKADE, J.

ssm.